

From: [Nickel, Brian](#)
To: [Sean Gross - NOAA Federal](#)
Subject: RE: Forthcoming draft NPDES permit for Washington Beef, LLC
Date: Tuesday, December 13, 2022 5:03:00 PM

Sean:

Yes, the discharge does increase the receiving water temperature. This is in part because the facility uses some anaerobic wastewater treatment processes that operate at relatively high temperatures.

You can find the temperature analysis for the discharge to Wanity Slough (outfall 002) on Page 176 of the fact sheet that I sent to you. This analysis is based on the maximum monthly average discharge flow mixing with 50% of the estimated 7-day, 10-year low flow (7Q10) in Wanity Slough, so, generally, the temperature impacts would be smaller than calculated in the fact sheet. We focused on Wanity Slough for the ESA effects analysis because we are not aware of any threatened or endangered fish inhabiting Spencer Lateral, although they are present in waters downstream from the lateral (Subdrain 35, Wanity Slough, and the Yakima River).

It has been the facility's practice over the past several years to discharge to Spencer Lateral (outfall 008) during the irrigation season (roughly May – September). There are some stringent effluent limits in the draft permit for temperature and nutrients that apply only to the discharge to Wanity Slough, which will encourage the permittee to continue to discharge to Spencer Lateral during the irrigation season, when temperature is a greater concern. In fact, the temperature limits for the discharge to Wanity Slough, which apply in June, July, and August, will take effect immediately on the effective date of the new permit, and the only way the facility can comply with those limits immediately (short of closing down) is to continue discharging to Spencer Lateral during that season (the draft permit doesn't include temperature limits for the discharge to Spencer Lateral).

During the non-irrigation season (roughly October – April), when the facility has typically discharged to Wanity Slough, both the effluent and the receiving water temperatures are cooler relative to the summer. We also have less data, with most of what I have been collecting in April, but temperatures would be even cooler in the middle of winter.

So, during the summer, the facility typically discharges to Spencer Lateral, which is (to our knowledge) not inhabited by T&E fish, and they will likely continue to do so. For this and other reasons described in the draft BE (see section 6.1.6), we don't expect the heat in the discharge to have significant effects on T&E fish.

Let me know if we can provide additional information that would help you evaluate the temperature impacts.

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer

US EPA Region 10 | Water Division | NPDES Permits Section
Voice: 206-553-6251 | Toll Free: 800-424-4372 ext. 6251 | Fax: 206-553-1280
Nickel.Brian@epa.gov
<https://www.epa.gov/npdes-permits/about-region-10s-npdes-permit-program>
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From: Sean Gross - NOAA Federal <sean.gross@noaa.gov>
Sent: Tuesday, December 13, 2022 3:32 PM
To: Nickel, Brian <Nickel.Brian@epa.gov>
Subject: Re: Forthcoming draft NPDES permit for Washington Beef, LLC

Brian, I have not had a chance to look at it in any depth. We are concerned about temperature down there and it appeared to me at first glance that the project will increase temperature. My recommendation is to add whatever measures can be added to eliminate this impact. I'm sorry i do not have time to look at this more closely.

Sean Gross

Fisheries Biologist, Interior Columbia Basin Office
NOAA Fisheries | U.S. Department of Commerce
Cell: (509) 856-5442
www.fisheries.noaa.gov



On Mon, Dec 12, 2022 at 3:01 PM Nickel, Brian <Nickel.Brian@epa.gov> wrote:

Sean:

Have you had a chance to review and think about the documents I sent at the end of October? Do you have questions or concerns?

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer
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From: Nickel, Brian
Sent: Monday, October 31, 2022 12:46 PM
To: Sean Gross - NOAA Federal <sean.gross@noaa.gov>
Subject: RE: Forthcoming draft NPDES permit for Washington Beef, LLC

Sean:

Thank you for the quick response. Attached for your review and comment are the preliminary draft permit, the draft fact sheet, and draft biological evaluation for the Washington Beef NPDES permit.

The preliminary draft permit and draft fact sheet are currently being reviewed by the Yakama Nation; we have asked for their feedback within 30 days. If you could provide feedback within that time frame, that would be ideal.

The current (nominally expired but administratively continued and still enforceable) permit, fact sheet, and response to comments are available on our website, here:

<https://www.epa.gov/npdes-permits/npdes-permit-washington-beef-toppenish-washington>

Please let me know if you have any questions or concerns.

Thank you,

Brian Nickel, E.I.T.

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From: Sean Gross - NOAA Federal <sean.gross@noaa.gov>
Sent: Monday, October 31, 2022 10:55 AM
To: Nickel, Brian <Nickel.Brian@epa.gov>
Subject: Fwd: Forthcoming draft NPDES permit for Washington Beef, LLC

Brian,

I work for Justin Yeager and he's asked me to be your point of contact for the project. I'd appreciate it if you can send me the draft documents. I'll review and then we can decide what followup makes the most sense.

Thanks

Sean Gross

Fisheries Biologist, Interior Columbia Basin Office
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From: **Justin Yeager - NOAA Federal** <justin.yeager@noaa.gov>
Date: Mon, Oct 31, 2022 at 10:52 AM
Subject: Fwd: Forthcoming draft NPDES permit for Washington Beef, LLC
To: Sean Gross <sean.gross@noaa.gov>

Sean,

Can you look over this email and respond to Brian or we can discuss if you think we need to take another path.

Justin Yeager

Branch Chief, Columbia Basin Branch
Interior Columbia Basin Area Office, West Coast Region
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From: **Nickel, Brian** <Nickel.Brian@epa.gov>
Date: Fri, Oct 28, 2022 at 5:16 PM
Subject: Forthcoming draft NPDES permit for Washington Beef, LLC
To: justin.yeager@noaa.gov <justin.yeager@noaa.gov>

Justin:

I work for the Environmental Protection Agency, Region 10, in the National Pollutant Discharge Elimination System (NPDES) permitting section.

I am working on reissuing an NPDES permit for Washington Beef, LLC, which is a complex slaughterhouse, which discharges treated wastewater to Wanity Slough and Spencer Lateral near Toppenish, Washington. I have prepared a draft biological evaluation, a preliminary draft permit, and a draft fact sheet that explains the conditions in the draft permit. The draft BE finds that the discharge is not likely to adversely affect Middle Columbia River steelhead. As such, we intend to request informal consultation on the permit soon.

Would you like me to send these draft documents to you for your review and comment before we request informal consultation? Would it be helpful to schedule a meeting to discuss the draft permit?

I'm looking forward to working with you on this project.

Thank you,

Brian Nickel, E.I.T.

Environmental Engineer

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